

12656

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

[Untimely Protest of Navy Contract Award]

FILE: B-197472

DATE: January 28, 1980

MATTER OF: Post Marketing Corporation ✓

DLG 03709

DIGEST:

1. Protest based on award to other firm is untimely when filed with GAO in excess of 10 working days after notification of award. While protester may have been unaware of GAO's protest function, Bid Protest Procedures have been published in Federal Register and protester is charged with constructive notice thereof.
2. Whether contract is being performed in compliance with contract requirements is matter of contract administration and not for resolution under GAO Bid Protest Procedures.

Post Marketing Corporation protests the award of a key entry service contract to Blodgett Key Punching, Inc., under solicitation No. N00406-79-R-0970 issued by the Department of the Navy.

CNG-121
ABC 1

The Navy has informed us that Post was notified orally of the award on December 5, 1979, the day of award. Post's protest was received in our Office on January 16, 1980. Consequently, it is not timely filed in accordance with our Bid Protest Procedures which require filing not later than 10 working days after the basis for protest is known. 4 C.F.R §20.2 (b)(2) (1979).

While it is unfortunate that Post, as it alleges, became aware of our bid protest function just prior to filing this protest, our Bid Protest Procedures and their time constraints have been published in the

008469 111397

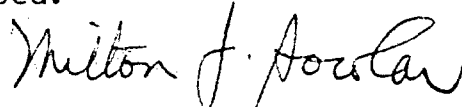
B-197472

2

Federal Register and protesters must be charged with constructive notice of their contents. U.S. Air Tool Co., Inc., B-192042, August 31, 1978, 78-2 CPD 161.

We have received additional correspondence from Post indicating its belief that Blodgett is not fulfilling contractual obligations to the Navy. Whether Blodgett is in fact performing in accordance with the contract awarded under the instant solicitation is a matter of contract administration. Contract administration is the function and responsibility of the procuring activity and such matters are not for resolution under our Bid Protest Procedures, 4 C.F.R. Part 20 (1979). Racon, Inc., B-195824, September 17, 1979, 79-2 CPD 202.

The protest is dismissed.



Milton J. Socolar
General Counsel